



1600 9th Street, Sacramento, CA 95814
(916) 654-2378

INVITATION FOR BID
Notice to Prospective Bidders

September 28, 2004

To: PROSPECTIVE BIDDERS

You are invited to submit a bid to the California Department of Mental Health for project number 04-74272-000, titled:

**DEPARTMENT OF MENTAL HEALTH
EARLY AND PERIODIC SCREENING, DIAGNOSIS AND TREATMENT (EPSDT) CONTRACT
FOR FISCAL YEARS 2004-05, 2005-06, and 2006-07**

Note that all agreements entered into with the State of California will include by reference General Terms and Conditions and Contractor Certification Clauses that may be viewed and downloaded at Internet site: <http://www.ols.dgs.ca.gov/Standard+Language/default.htm>. If you do not have Internet access, a hard copy may be obtained by contacting the persons listed below.

This Invitation For Bid (IFB) is being issued in accordance with the provisions of Public Contract Code, Section 10335, et seq.

If you are interested in submitting a bid, you will be expected to comply with the following requirements. An original and two copies of the following documents must be submitted:

1. Attachment 1: Required Attachment Check List
2. Attachment 2: Bid/Bidder Certification Sheet
3. Attachment 3: Bidder's Cost Proposal
4. Attachment 4: Bidder's Staffing Plan
5. Attachment 5: Resume or Vita
6. Attachment 6: Copy of License
7. Attachment 7: Subcontractor Documentation
8. Attachment 8: Statement of Qualifications
9. Attachment 9: Bidder Reference Sheet & Corresponding Letters of Reference

10. Attachment 10: Evidence of Financial Stability

11. Attachment 11: Small Business Preference

The above specified items, Numbers 1 – 11, constitute your bid and must be submitted to DMH in a sealed envelope and **received by DMH no later than 2:00 p.m. on October 28, 2004** per the detailed instructions in Sections E.1 and E.7 of the IFB.

If you have any questions concerning the program requirements, please contact Tom Burke, Chief, Medi-Cal Oversight South at (562) 868-2275. If you have questions concerning the contract process, please contact Christina Bendarczyk, Contract Analyst at (916) 654-2487.

Sincerely,

Original signed by

STEPHEN W. MAYBERG, Ph.D.
Director

Enclosures

Contract Number
04-74272-000

INVITATION FOR BID (IFB)

DEPARTMENT OF MENTAL HEALTH EARLY AND PERIODIC SCREENING, DIAGNOSIS AND TREATMENT (EPSDT) CONTRACT

FOR FISCAL YEARS 2004-05 through 2006-07



**STATE OF CALIFORNIA
DEPARTMENT OF MENTAL HEALTH
PROGRAM COMPLIANCE
SEPTEMBER, 2004**

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A) BACKGROUND, PURPOSE, AND DESCRIPTION OF SERVICES

Early and Periodic Screening, Diagnosis and Treatment (EPSDT) is a federal entitlement under the State's Medi-Cal Program. Effective Fiscal Year (FY) 1995-96, the Department of Health Services (DHS) requested that county mental health programs expand Short-Doyle/Medi-Cal (SD/MC) mental health services, other than psychiatric inpatient hospital services, to meet the requirements of the TL v. Belshé lawsuit, which expanded services provided to eligible Medi-Cal beneficiaries (EPSDT). Through an interagency agreement (IA) with the Department of Mental Health (DMH), DHS provides the state matching funds for these expanded EPSDT mental health services provided by county mental health programs. A baseline amount is established for each county that is equivalent to the sum of 1) the cost-settled EPSDT mental health services provided by the county in FY 1994-95; 2) the amount of state funds provided under Phase II consolidation for the EPSDT eligible population; and 3) beginning in FY 1998-99, an annual cost of living increase to the FY 1994-95 component of the baseline when justified by realignment growth. Effective FY 2002-03, a 10 percent county match on the growth of the total state-matching requirement above the FY 2001-02 funding level was implemented to establish a financial incentive at the county level to ensure that funds are spent efficiently for medically necessary services to the EPSDT eligible population.

In addition, language, included in the health Budget Trailer Bill for Fiscal Year 2002-03, as Section 5767 of the Welfare and Institutions Code, required DMH, in consultation with an organization representing county mental health services, to ensure statewide application of managed care principles to the EPSDT Program. Regulations to initially implement this requirement have been approved by the Office of Administrative Law and were endorsed by the Secretary of State on November 18, 2003.

A variety of factors, including modifications in Medi-Cal policy, legal decisions and expansion of services by counties to meet EPSDT access requirements, will likely result in continued program growth for several more years.

To address ongoing concerns of both the State Administration and Legislature with regard to the continuing escalation of costs associated with the specialty mental health component of the EPSDT Program, the Department of Mental Health (DMH) is prepared to increase the level of monitoring and oversight of county EPSDT programs in Fiscal Years 2004-05 through 2006-07 by way of this contract. It is anticipated that an enhanced level of oversight will result in future savings and a further slowing of the rate of program growth.

For FY 04-05, contractor is expected to review EPSDT charts of selected legal entities per Sections I and J of the FY 2004-05 Compliance Protocol and to recoup Federal Financial Participation and State General Fund dollars per the FY 04-05 Reasons for Recoupment. These documents can be found attached to DMH Information Notice 04-02 at: <http://www.dmh.ca.gov/InfoAdminProv/>

B) SCOPE OF WORK

- 1) The contract is divided into three major project periods: Fiscal Year 2004-05 (December-June only); Fiscal Year 2005-06; and Fiscal Year 2006-07.
- 2) Contractor will review a total of approximately 16,000 approved claims of approximately 100 legal entities (providers) each contract year. For the first year this review is to be completed within a six-month period of time (by June 30, 2005). For subsequent years this review is to be completed by the end of each fiscal year. The exact number of approved claims and legal entities to be reviewed may vary from year to year based on a random selection of approved claims from legal entities meeting established selection criteria.
- 3) Contractor will conduct on-site reviews of the charts containing progress notes of the selected claims. Based on samples selected from approved claims data, the contractor will conduct onsite reviews of EPSDT charts containing documentation of services of dates billed on the randomly selected claims and complete Section J (Appendix 1) and, if applicable, Section I (Appendix 2) of the FY 04-05 Compliance Protocol for each chart. In addition, contractor will identify dollars to be recouped by DMH per the FY 04-05 Reasons for Recoupment (Appendix 3).
- 4) Contractor will provide reports to the DMH Contract Manager on each legal entity reviewed per county in a format agreed upon by the DMH. The reports shall include, but not be limited to, a cover letter, an in/out of compliance checklist, a compliance worksheet, a plan of correction for all items found to be out of compliance and a recoupment summary. Reports may also be referred to as "deliverables" for purposes of this IFB.
- 5) The deliverables for each of the three project periods are due to the DMH contract manager in electronic format no later than 45 days following completion of each review.
- 6) Contractor will provide the reports during regular business hours, 8:00 am to 5:00 pm, Monday through Friday, except holidays.
- 7) Contractor will deliver reports to:

Tom Burke, LCSW, Chief
 Department of Mental Health
 Chief, Medi-Cal Oversight, Southern Region
 11401 South Bloomfield Ave, Unit 201
 Norwalk, CA 90650
 Phone: (562) 868-2275
 Fax: (562) 863-4400
- 8) Contractor will work with the DMH and county Mental Health Plans (MHPs) to establish the DMH approved onsite review schedule.
- 9) Unless agreed upon otherwise by the DMH, all reviews will be conducted onsite in the counties at sites agreed upon by both the DMH and the county MHPs.

- 10) Contractor will utilize only the following staff licensed by the state of California to conduct the claim audits and chart reviews: Psychologists, Licensed Clinical Social Workers, Marriage and Family Therapists, and Registered Nurses.
- 11) Contractor will conduct an onsite entrance conference for each review and provide preliminary findings and technical assistance at an exit conference following each review. The details of how to conduct the entrance and exit conferences will be discussed at the mandatory orientation/training provided by DMH.
- 12) Contractor agrees to provide technical assistance to counties on an as needed basis, throughout the term of the agreement.
- 13) Contractor agrees to attend trainings and other meetings at the DMH's request.
- 14) Upon request, Contractor agrees to provide year-end summary reports in a format agreed upon by the DMH.

C) CONTRACT INFORMATION & REQUIREMENTS

1) Term:

The term of the resulting contract is expected to be in effect for 31 months, and is anticipated to be effective from December 1, 2004 through June 30, 2007. The term of the contract may change if DMH makes an award earlier than expected or if DMH cannot execute the contract in a timely manner due to unforeseen delays.

2) Budget:

The maximum amount authorized by DMH for the work to be performed in the first year project period for FY 04-05 is \$1,288,000. It is anticipated that the funding level will remain the same for subsequent fiscal years. The dollar amount for subsequent years is dependent upon approval via the budget process for each fiscal year.

3) Invoicing Requirements:

Invoices shall be submitted on a monthly basis for time worked towards or for the completion of each deliverable. The invoice must include the time period covered, the hours worked as identified by the contractor's staff that performed the work, rates, a description of the work performed, the contract number and an original signature. Invoices are subject to a 10% withhold, payable at the end of the corresponding fiscal year and upon completion of all deliverables agreed upon by DMH and the Contractor. Invoices shall be submitted to the Contract Manager at: Department of Mental Health, Medi-Cal Oversight, 11401 South Bloomfield Ave, Unit 203, Norwalk, CA, 90650.

4) Use of Subcontractors/Independent Consultants.

If the bidder plans to utilize the services of a subcontractor or independent consultant other than those previously identified in this IFB, DMH reserves the right to approve or disapprove

the selection of subcontractors/independent consultants with advance written notice, require the substitution of subcontractors/independent consultants and require the proposer to terminate subcontract entered into in support of this IFB.

The Bidder is responsible for all performance requirements under this IFB even though performance may be carried out through a subcontract.

D) BIDDER MINIMUM QUALIFICATIONS

Bidder must meet the following minimum qualifications:

1) Licensure:

Psychologists, Social Workers and Marriage and Family Therapists shall possess and maintain a current California license. Registered Nurses shall have a valid license from the California Board of Nursing. Contractor must maintain this license throughout the duration of the contract term. Contractor shall submit proof of California licenses of staff initially and upon renewal. Contractor should have at least 20 licensed staff available to complete the first year's reviews and at least 10 for subsequent years.

2) Travel:

The Contractor must be able to travel to counties throughout the state of California to complete the onsite reviews. Note that the budget should be all inclusive of travel costs.

3) Work Experience:

The Contractor must have at least three years of experience working in a community mental health delivery system. Licensed staff must demonstrate experience in a mental health direct care setting with patient care charting responsibilities. Prior experience in reviewing mental health charts, Quality Improvement or Utilization Review is preferred.

4) Knowledge/Special Skills:

The Contractor must have good writing, analytical, and communication skills and the ability to travel and meet deadlines.

5) Financial Stability:

The Contractor must demonstrate financial stability.

E) BID REQUIREMENTS AND INFORMATION

1) Key Action Dates

<u>Event</u>	<u>Date & Time (if applicable)</u>
IFB available to prospective bidders	September 28, 2004
Written Question Submittal Deadline	October 15, 2004, 4:00 pm
Mandatory Letter of Intent Due	October 15, 2004, 4:00 pm
Voluntary Pre-Bid Conference	October 19, 10:00 am
Date written response(s), if any, to be sent to Bidders	October 22, 2004
Final Date for Bid Submission Bid package must be received no later than 2:00 pm. Late Bids will not be accepted for any reason.	October 28, 2004, 2:00 pm
Bid Opening	October 28, 2004, 3:00 pm
Final date to file a protest	November 4, 2004
Award of Contract to successful Bidder(s)	November 5, 2004
Proposed Contract Start Date	December 1, 2004
Termination of Contract	June 30, 2007

2) Voluntary Pre Bid Conference:

DMH will conduct a voluntary Pre-Bid Conference in Sacramento, California on October 19, 2004 from 10:00 am to 12:00 pm at the following location:

Department of Mental Health
Bateson Building
1600 9th Street, Conference Room 470
Sacramento, California

Prospective bidders that intend to submit a bid are encouraged to attend the voluntary Pre-Bid Conference. Any bidder wishing to attend is advised that the conference will start promptly at 10:00 am. DMH reserves the right not to repeat information for participants that join the conference after it has begun. Bidders should allow extra time to find parking and to sign in with the Bateson Building security desk.

If a bidder is unable to attend the voluntary Pre-Bid Conference, an authorized representative may attend on his/her behalf. The representative may only sign-in for one potential bidder.

3) Purpose of the Pre-Bid Conference

The purpose of the Pre-Bid Conference is twofold: 1) To allow bidders to ask questions about the services sought and to clarify IFB requirements and/or instructions; and 2) To share the answers to general questions and inquiries received before and during the conference.

Please note that spontaneous verbal remarks provided in response to questions/inquiries during the conference are unofficial and are not binding on DMH unless later confirmed in writing.

Bidders should carefully review this IFB before the conference date to familiarize themselves with the requirements. Prospective bidders are encouraged to have their copy of this IFB available for reference during the conference.

Refer to the IFB Section E4, entitled, "Bidder Questions" for instructions on how to submit written questions and inquiries before the Pre-Bid Conference date.

No inference shall be drawn from any question that DMH does not respond to in writing.

For bidders who need assistance resulting from a disabling condition, a reasonable accommodation to attend the Pre-Bid Conference will be provided by DMH upon request. The bidder shall call Tom Burke at (562) 868-2275, no later than the fifth working day prior to the scheduled date and time of the Pre-Bid Conference to arrange for a reasonable accommodation.

4) Bidder Questions:

DMH will provide automatic updates concerning the IFB only to prospective bidders who have submitted a Letter of Intent.

Bidders should notify DMH immediately if they need clarification about the services being sought or have questions about the IFB instructions or requirements. Inquiries shall be put in writing and transmitted to DMH. At its discretion, DMH reserves the right to contact an inquirer to seek clarification of any inquiry received. The level of detail DMH will provide in response is subject to the availability of DMH resources.

Bidders that fail to report a known or suspected problem with the IFB or fail to seek clarification and/or correction of the IFB, submit a bid at their own risk.

Inquiries shall include the following:

1. Name of the organization submitting the question
2. The name of a contact person along with a mailing address, telephone number and E-mail address
3. A description of the subject or issue in question or discrepancy found

Bidders shall submit written inquiries about this IFB to DMH no later than 4:00 pm on October 15, 2004, so answers can be prepared in advance.

Questions shall be submitted through U.S. mail, hand-delivered, or by facsimile to:

Tom Burke, LCSW
Chief, Medi-Cal Oversight, Southern Region
Department of Mental Health
11401 South Bloomfield Ave., Unit 203
Norwalk, CA 90650
Phone: (562) 868-2275
Fax: (562) 863-4400

Because verbal inquiries are easily misinterpreted, bidders are *highly encouraged* to submit all inquiries in writing. Verbal questions will be taken prior to, and at the Pre-Bid Conference. However, DMH reserves the right not to accept or respond to verbal inquiries that may lead to confusion or be deemed inappropriate for response.

Please note that spontaneous verbal remarks provided in response to verbal inquiries are unofficial and are not binding on DMH unless later confirmed in writing.

5) Mandatory Letters of Intent:

All bidders who intend to compete for the EPSDT contract, IFB Number 04-74272-000, must submit a signed Letter of Intent to DMH. **The Letter of Intent must be received by DMH no later than 4:00 pm, October 15, 2004.**

The Letter of Intent is a non-binding document and must include:

- a) The name and physical address of the firm or individual intending to submit a bid.
- b) Name of the contact person, and
- c) The phone number, and e-mail address of the contact person.

Tom Burke, LCSW
Chief, Medi-Cal Oversight, Southern Region
Department of Mental Health
11401 South Bloomfield Ave., Unit 203
Norwalk, CA 90650
Phone: (562) 868-2275
Fax: (562) 863-4400

DMH will provide automatic updates concerning the IFB only to prospective bidders' contact person who have submitted Letters of Intent.

Bidders transmitting a Letter of Intent by fax are responsible for confirming the receipt of the faxed Letter of Intent by the stated deadline. Bidders may call the DMH Medi-Cal Oversight, Southern Region Section at (562) 868-2273 to confirm faxed transmissions.

Bidder Caution

DMH internal processing of U.S. mail may add up to 48 hours to the delivery time. If the Letter of Intent is mailed, the bidder should consider using certified, registered or express mail. Request a return receipt confirming delivery date and time of delivery. If the Letter of Intent is hand-delivered, allow sufficient time to locate parking and allow for sign-in at the Bateson Building security desk.

6) Bid Documentation Requirements

A) Licensure: Project Personnel

This section must describe the bidder's staffing plan including:

1. Title and job description of all key personnel, including subcontractors. If the bidder intends to subcontract the services stated in this IFB, the bidder must identify the proposed subcontractors in this section or describe the procedures the Contractor will utilize to ensure subcontractors possess sufficient expertise to accomplish the designated work.
2. Submission of a resume or curriculum vitae for all individuals who will work on the project. If the person who will serve as the primary contact for the Contractor has not been identified, include a job description for the position.
3. The Contractor must have access to a sufficient number of the following California licensed staff to complete the claims audits and chart reviews referenced in the scope of work: Psychologists, Social Workers, Marriage and Family Therapists, and Registered Nurses. Contractor must assure that licenses remain current throughout the duration of the contract term. Contractor shall submit proof of licenses and a detailed explanation of how the project staff will be utilized to complete the project.

NOTE: If the bidder makes changes in the personnel identified in this IFB, bidder shall inform DMH. DMH reserves the right to approve or disapprove of changes in personnel once the contract is awarded.

B) Use of Subcontractors/Independent Consultants.

1. The bidder must submit documents showing existing relationships or working agreements with service providers with whom the bidder intends to subcontract. DMH will consider the prime contractor to be the sole point of contact with regard to this IFB. The successful Contractor shall not subcontract without the review and prior approval of DMH.

C) Work Experience:

1. The Contractor must have at least three years of experience working in a community mental health delivery system. Licensed staff must demonstrate experience in a mental health direct care setting with patient care charting responsibilities. Prior experience in

reviewing mental health charts is preferred. Résumé's/Vitae, Bidder's References/Letters and the Statement of Qualifications will be used to determine breadth of experience.

D) Travel:

1. The Contractor must be able to travel to counties throughout the state of California to complete the onsite reviews. Document (self-certify) your willingness and ability to travel in your Statement of Qualifications.

E) Knowledge/Special Skills:

1. The Contractor must have good writing, analytical, and communication skills and the ability to meet deadlines. Document (self-certify) these skills in your Statement of Qualifications.

F) Financial Stability:

The Contractor must demonstrate financial stability.

1. *Accounting Procedures:* The accounting procedures shall describe the accounting processes that will be used to prepare, track and bill DMH for completed services. If this will change over the term of the contract, the changes shall be identified and potential impacts on the bidder's ability to complete the Scope of Work shall be explained.
2. *Facilities and Resources:* This section shall describe the facilities, equipment, teleconferencing or telecommunications capabilities, computer hardware and software, and any other resources that relate to the bidder's ability to successfully complete the Scope of Work. If this will change over the term of the contract, these changes shall be identified and potential impacts on the bidder's ability to complete the Scope of Work shall be explained.
 - i) All bidders must submit evidence of financial stability and document sufficient financial resources necessary to perform all services associated with this IFB. This requirement may be fulfilled in one of the following ways:
 - a) Financial statements for each of the last three years audited by an independent third-party Certified Public Accountant. All noted audit exceptions must be explained.
 - b) If audited statements are not available, DMH will accept statements that have been reviewed by a Certified Public Accountant.
 - c) If neither audited nor reviewed financial statements are prepared, DMH will accept financial statements that have been compiled by the applicant's accounting firm.

- d) If neither audited, reviewed, nor compiled statements are normally prepared by the agency, DMH will accept financial statements prepared by the applicant's internal accounting department.

Financial statements submitted under paragraphs a, b, c or d must be accompanied by a statement signed by the applicant's Chief Financial Officer, certifying that the financial statements are current, accurate, and complete.

Financial statements must include income statements and balance sheets. Financial statements must be completed based on final (not draft) reports and cannot be supported by unreasonably qualified statements. Also, include in this section a statement, signed by either an independent third-party Certified Public Accountant or the applicant's Chief Financial Officer that the applicant agency operated in accordance with Generally Accepted Accounting Principles (GAAP).

G) Bidder's Cost Proposal (Budget Detail and Budget Narrative)

1. The bidder must provide a cost proposal that includes a budget detail breakdown, and budget narrative that cover the periods of the contract from December 1, 2004 through June 30, 2007.
2. The cost proposal identifies the ALL-INCLUSIVE cost of the project and must not exceed the terms of the contract specified in Section C of the IFB. Any bid exceeding these amounts will be rejected
3. The cost proposal (budget amounts and budget narrative) must take into consideration the required Scope of Work components. Budget Detail - **The budget detail must reflect that funds will be utilized for one or more of the following:**
 - i) **Project Personnel Expense**
List each position separately with its salary and percentage of time on this project. Indicate the benefits, if any, for each position. It is estimated that 10 licensed staff, in addition to sufficient clerical and administrative staff to complete the scope of work addressed in this IFB.
 - ii) **Subcontract Expenses**
List the type and specify the costs for all subcontracted services the bidder intends to retain. For subcontractors, include any persons or firms performing contract services that are not on the bidder's payroll.
 - iii) **Operating Expenses**
List all expenses for occupancy, supplies, general office operations, telephone, postage, furniture and equipment, computer equipment and computer-related items, etc.
 - iv) **Travel**
The bidder must take into account travel expense when developing the cost proposal. Reimbursement for travel and per diem must not exceed amounts paid to the State's non-represented employees. Assure that travel expenses will cover a

one-day mandatory orientation meeting for all new professional staff and program staff. Travel will only include expenses to sites that are located in California, and will only be reimbursed outside the County in which the bidder's operations are based.

- v) Administrative Overhead
- vi) Training/Meetings
- vii) Data Collection, record keeping, reports and evaluations
- viii) Other program related costs (must be well documented)

H) Bidder's References and Corresponding Letters of Reference

1. Submission of letters of reference and a listing of previous agencies and/or organizations for which the bidder has performed similar duties is required by this IFB. In addition, bidders must include, "Bidder References," to enable DMH to contact the agencies/organizations.

7) Submission of Bid

- a) All bids must be submitted in a sealed envelope and sent to the Department of Mental Health by dates and times specified in Section E.1 Key Action Dates. The sealed cover must be plainly marked with the IFB number and title, must show your name, company name if applicable, and address, and must be marked with the words "DO NOT OPEN". Mail or deliver to:

EPSDT IFB# 04-74272-000
 Short-Doyle/Medi-Cal (SD/MC) Review
 Licensed Mental Health Professional Contract
 Department of Mental Health
 1600 9TH Street, Room 150
 Sacramento, California 95814
 Attention: Christina Bendarczyk, Contracts Unit
 DO NOT OPEN

Bids not submitted under sealed cover may be rejected. A minimum of **one original and two copies** of the bid must be submitted.

- b) All bids shall include the documents identified in Section G, "Required Attachments." Bids not including the proper required attachments shall be deemed non-responsive. A non-responsive bid is one that does not meet the basic bid requirements.
- c) All documents requiring a signature must bear an original signature of a person authorized to bind the bidding firm.

- d) Bids must be submitted for the performance of all the services described herein. Any deviation from the work specifications will not be considered and will cause a bid to be rejected.
- e) A bid may be rejected if it is conditional or incomplete, or if it contains any alterations of form or other irregularities of any kind. The State may reject any or all bids and may waive an immaterial deviation in a bid. The State's waiver of an immaterial deviation shall in no way modify the IFB document or excuse the bidder from full compliance with all requirements if awarded the agreement.
- f) Costs incurred for developing bids and in anticipation of award of the agreement are entirely the responsibility of the bidder and shall not be charged to the State of California.
- g) An individual who is authorized to bind the bidder contractually shall sign the Bid/Bidder Certification Sheet, Attachment 2. The signature should indicate the title or position that the individual holds in the firm. An unsigned bid may be rejected.
- h) A bidder may modify a bid after its submission by withdrawing its original bid and resubmitting a new bid prior to the bid submission deadline. Bidder modifications offered in any other manner, oral or written, will not be considered.
- i) A bidder may withdraw its bid by submitting a written withdrawal request to the State, signed by the bidder or an authorized agent. A bidder may thereafter submit a new bid prior to the bid submission deadline. Bids may not be withdrawn without cause subsequent to bid submission deadline.
- j) The awarding agency may modify the IFB prior to the date fixed for submission of bids by the issuance of an addendum to all parties who received a bid package.
- k) The awarding agency reserves the right to reject all bids. The agency is not required to award an agreement.
- l) Before submitting a response to this solicitation, bidders should review, correct all errors and confirm compliance with the IFB requirements.
- m) Where applicable, bidder should carefully examine work sites and specifications. Bidder shall investigate conditions, character, and quality of surface or subsurface materials or obstacles that might be encountered. No additions or increases to the agreement amount will be made due to a lack of careful examination of work sites and specifications.
- n) The State does not accept alternate contract language from a prospective contractor. A bid with such language will be considered a counter proposal and will be rejected. The State's General Terms and Conditions (GTC) are not negotiable.
- o) No oral understanding or agreement shall be binding on either party.

8) Evaluation and Selection

- a) At the time of bid opening, each bid will be checked for the presence or absence of required information in conformance with the submission requirements of this IFB.
- b) The State will evaluate each bid to determine its responsiveness to the published requirements.
- c) Bids that contain false or misleading statements, or which provide references which do not support an attribute or condition claimed by the bidder, may be rejected.
- e) Awards if made, will be to the lowest responsive, responsible bidder(s). Where there are responsive, responsible bids with equivalent Cost Proposals and a choice has to be made between the bids due to a limited number of contracts available, bidder(s) with the better qualifications, as determined by DMH review of the submitted resumes and statement of qualifications, will be awarded the contract(s).

9) Award and Protest

- a) Whenever an agreement is awarded under a procedure that provides for competitive bidding, but the agreement is not to be awarded to the low bidder, the low bidder shall be notified by telegram, electronic facsimile transmission, overnight courier, or personal delivery five (5) working days prior to the award of the agreement.
- b) Upon written request by any bidder, notice of the proposed award shall be posted in a public place in the office of the awarding agency at least five (5) working days prior to awarding the agreement.
- c) If any bidder, prior to the award of agreement, files a written protest with the Department of General Services, Office of Legal Services, 707 Third Street, 7th Floor, Suite 7-330, West Sacramento, CA 95605 and the Department of Mental Health, Contracts Office, 1600 9th Street, Room 150, Sacramento, California 95814 on the grounds that the (protesting) bidder is the lowest responsive responsible bidder, the agreement shall not be awarded until either the protest has been withdrawn or the Department of General Services has decided the matter.
- d) Within five (5) days after filing the initial protest, the protesting bidder shall file with the Department of General Services and the awarding agency a detailed written statement specifying the grounds for the protest. The written protest must be sent to the Department of General Services, Office of Legal Services, 707 Third Street, 7th Floor, Suite 7-330, West Sacramento, California 95605. A copy of the detailed written statement must be mailed to the awarding agency. It is suggested that the bidder submit any protest by certified or registered mail.
- e) Upon resolution of the protest and award of the agreement, Contractor must complete and submit to the awarding agency the Payee Data Record (STD 204), to determine if the Contractor is subject to state income tax withholding pursuant to California Revenue and Taxation Code Sections 18662 and 26131. This form can be found on the Internet at

<http://www.documents.dgs.ca.gov/osp/pdf/std204.pdf>. No payment shall be made unless a completed STD 204 has been returned to the awarding agency.

- f) Upon resolution of the protest and award of the agreement, Contractor must sign and submit to the awarding agency the Contractor Certification Clauses (CCC), which can be found on the Internet at www.dgs.ca.gov/contracts. This document is only required if the bidder has not submitted this form to the awarding agency within the last three (3) years.

10) Disposition of Bids

- a) Upon bid opening, all documents submitted in response to this IFB will become the property of the State of California, and will be regarded as public records under the California Public Records Act (Government Code Section 6250 et seq.) and subject to review by the public.
- b) Bid packages may be returned only at the bidder's expense, unless such expense is waived by the awarding agency.

11) Agreement Execution and Performance

- a) Performance shall start on the date set by the awarding agency and the Contractor, after all approvals have been obtained and the agreement is fully executed. Should the Contractor fail to commence work at the agreed upon time, the awarding agency, upon five (5) days written notice to the Contractor, reserves the right to terminate the agreement. In addition, the Contractor shall be liable to the State for the difference between Contractor's bid price and the actual cost of performing work by the second lowest bidder or by another contractor.
- b) All performance under the agreement shall be completed on or before the termination date of the agreement.

12) Contact Between Bidders and State

Any questions, which, in the judgment of the Contracts Office materially alter the IFB requirements, must be submitted in writing to the following address by the date specified in section E.1. Key Action Dates. Answers will be provided to all bidders in writing.

Department of Mental Health
1600 9TH Street, Room 150
Sacramento, California 95814
Attention: Christina Bendarczyk, Contracts Unit

F) SMALL BUSINESS PREFERENCE

Small Business Preference applies to this RFP. Please see www.pd.dgs.ca.gov.

This website provides information and procedures for bidders who wish to apply for the Small Business Preference Program. Please note that although participation in this preference program is optional, **all** bidders must complete and submit Attachment 11, "Small Business Preference" form.

Bidders that are certified as a small business in California are encouraged to apply for this RFP. In addition, per new Small Business Preference regulations, prime contractors who subcontract with a certified small business for not less than 25% of the total contract are eligible for small business preference.

G) REQUIRED ATTACHMENTS

A complete bid will contain the following completed attachments:

Attachment 1: Required Attachment Check List

Attachment 2: Bid/Bidder Certification Sheet

Attachment 3: Bidder's Cost Proposal

Attachment 4: Bidder's Staffing Plan (Title/Description of all key personnel)

Attachment 5: Resume or Vita (for each individual participating in this project)

Attachment 6: Copy of License (for each licensed staff required to participate in this project)

Attachment 7: Subcontractor Documentation (documents showing existing relationships or working agreements with service providers with whom the bidder intends to subcontract)

Attachment 8: Statement of Qualifications

Attachment 9: Bidder References and Corresponding Letters of Reference

Attachment 10: Evidence of Financial Stability

Attachment 11: Small Business Preference Form

H) SAMPLE STANDARD AGREEMENT

Attached to this IFB, is a sample Standard Agreement, a version of which will be signed by the bidder awarded a contract.

I) APPENDIX 1: Section J of the FY 04-05 Compliance Protocol

J) APPENDIX 2: Section I of the FY 04-05 Compliance Protocol

K) APPENDIX 3: FY 04-05 Reasons for Recoupment

ATTACHMENT 1

REQUIRED ATTACHMENT CHECK LIST

A complete bid or bid package will consist of the items identified below.

Complete this checklist to confirm the items in your bid. Place a check mark or "X" next to each item that you are submitting to the State. This checklist must be returned with your bid package.

For your bid to be accepted, all required attachments must be returned. Failure to complete and return these attachments with your bid may cause your bid to be rejected.

<u>Attachment</u>	<u>Attachment Name/Description</u>
_____ Attachment 1	Required Attachment Check List
_____ Attachment 2	Bid/Bidder Certification Sheet
_____ Attachment 3	Bidder's Cost Proposal
_____ Attachment 4	Bidder's Staffing Plan
_____ Attachment 5	Resumes or Vitae
_____ Attachment 6	Copy of License
_____ Attachment 7	Subcontractor Documentation
_____ Attachment 8	Statement of Qualifications
_____ Attachment 9	Bidder References and Corresponding Letters of Reference
_____ Attachment 10	Evidence of Financial Stability
_____ Attachment 11	Small Business Preference Form

ATTACHMENT 2

BID/BIDDER CERTIFICATION SHEET

This Bid/Bidder Certification Sheet must be signed and returned along with all of the required attachments as an entire package in duplicate with original signatures. The bid must be transmitted in a sealed envelope in accordance with IFB instructions.

- A. Our all-inclusive bid is submitted as detailed in Attachment 3, Bidder's Cost Proposal.
- B. All required attachments are included with this certification sheet.
- C. The signature affixed hereon and dated certifies compliance with all the requirements of this bid document. The signature below authorizes the verification of this certification.

An Unsigned Bid/Bidder Certification Sheet May Be Cause For Rejection

1. Company Name	2. Telephone Number ()	2a. Fax Number ()		
3. Address				
Indicate your organization type:				
4. <input type="checkbox"/> Sole Proprietorship	5. <input type="checkbox"/> Partnership	6. <input type="checkbox"/> Corporation		
Indicate the applicable employee and/or corporation number:				
7. Federal Employee ID No. (FEIN)	8. California Corporation No.			
9. Indicate applicable license and/or certification information:				
10. Bidder's Name (Print)	11. Title			
12. Signature	13. Date			
14. Are you certified with the Department of General Services, Office of Small Business Certification and Resources (OSBCR) as: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> a. California Small Business Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, enter certification number: _____ </td> <td style="width: 50%; vertical-align: top;"> b. Disabled Veteran Business Enterprise Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, enter your service code below: _____ </td> </tr> </table> <p>NOTE: A copy of your Certification is required to be included if either of the above items is checked "Yes". Date application was submitted to OSBCR, if an application is pending:</p>			a. California Small Business Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, enter certification number: _____	b. Disabled Veteran Business Enterprise Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, enter your service code below: _____
a. California Small Business Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, enter certification number: _____	b. Disabled Veteran Business Enterprise Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, enter your service code below: _____			

Completion Instructions for Bid/Bidder Certification Sheet

Complete the numbered items on the
 Bid/Bidder Certification Sheet by following the instructions below.

Item Numbers	Instructions
1, 2, 2a, 3	Must be completed. These items are self-explanatory.
4	Check if your firm is a sole proprietorship. A sole proprietorship is a form of business in which one person owns all the assets of the business in contrast to a partnership and corporation. The sole proprietor is solely liable for all the debts of the business.
5	Check if your firm is a partnership. A partnership is a voluntary agreement between two or more competent persons to place their money, effects, labor, and skill, or some or all of them in lawful commerce or business, with the understanding that there shall be a proportional sharing of the profits and losses between them. An association of two or more persons to carry on, as co-owners, a business for profit.
6	Check if your firm is a corporation. A corporation is an artificial person or legal entity created by or under the authority of the laws of a state or nation, composed, in some rare instances, of a single person and his successors, being the incumbents of a particular office, but ordinarily consisting of an association of numerous individuals.
7	Enter your federal employee tax identification number.
8	Enter your corporation number assigned by the California Secretary of State's Office. This information is used for checking if a corporation is in good standing and qualified to conduct business in California.
9	Complete, if applicable, by indicating the type of license and/or certification that your firm possesses and that is required for the type of services being procured.
10, 11, 12, 13	Must be completed. These items are self-explanatory.
14	If certified as a California Small Business, place a check in the "Yes" box, and enter your certification number on the line. If certified as a Disabled Veterans Business Enterprise, place a check in the "Yes" box and enter your service code on the line. If you are not certified to one or both, place a check in the "No" box. If your certification is pending, enter the date your application was submitted to OSBCR.

ATTACHMENT 3

BIDDER'S COST PROPOSAL

Develop one detailed budget and budget narrative for each year of the contract, in accordance with the budget guidelines set forth in Section E.6.G, "Cost Proposal," on page 12 of the IFB.

Service Periods:

FY 2004-05: 12/01/2004 to 06/30/2005

FY 2005-06: 07/01/2005 to 06/30/2006

FY 2006-07: 07/01/2006 to 06/30/2007

ATTACHMENT 4

BIDDER'S STAFFING PLAN

Provide the title and job description of all key personnel, including subcontractors.

If the bidder intends to subcontract the services stated in this IFB, the bidder must identify the proposed subcontractors in this section or describe the procedures the Contractor will utilize to ensure subcontractors possess sufficient expertise to accomplish the designated work.

ATTACHMENT 5

RESUME OR CURRICULUM VITA

Provide a resume or vita for each individual participating in this project.

ATTACHMENT 6

LICENSE

Psychologists, Social Workers and Marriage and Family Therapists:

Please attach a copy of license to practice in the State of California.

Registered Nurses:

Please attach copy of license from the California Board of Nursing.

ATTACHMENT 7

SUBCONTRACTOR DOCUMENTATION

Provide documents showing existing relationships or working agreements with service providers with whom the bidder intends to subcontract.

ATTACHMENT 8

STATEMENT OF QUALIFICATIONS

Explain why you believe you are qualified to perform the work described in this bid. Address your work experience, ability to travel and knowledge/special skills as indicated in Section E.6, "Bid Documentation Requirements."

ATTACHMENT 9

BIDDER REFERENCES & LETTERS OF REFERENCE

List below at least one reference for services performed within the last five years, which are similar to the scope of work to be performed in this contract. **In addition, bidders must provide a minimum of three letters of reference, which correspond to the entities/individuals referenced below.**

REFERENCE 1			
Name of Firm			
Street Address	City	State	Zip Code
Contact Person		Telephone Number	
Dates of Service		Value or Cost of Service	
Brief Description of Service Provided			
REFERENCE 2			
Name of Firm			
Street Address	City	State	Zip Code
Contact Person		Telephone Number	
Dates of Service		Value or Cost of Service	
Brief Description of Service Provided			
REFERENCE 3			
Name of Firm			
Street Address	City	State	Zip Code
Contact Person		Telephone Number	
Dates of Service		Value or Cost of Service	
Brief Description of Service Provided			

ATTACHMENT 10

EVIDENCE OF FINANCIAL STABILITY

The Contractor must demonstrate financial stability, by submitting documentation referenced in Section E.6.F, Financial Stability, on page 11 of the IFB.

ATTACHMENT 11

SMALL BUSINESS PREFERENCE

NOTICE TO ALL BIDDERS

Small Business Preference

Section 14835, ET. Seq. Of the California Government Code requires that a five percent (5%) preference be given to bidders who qualify as a small business. The rules and regulations of this law, including the definition of a small business for the delivery of services, are contained in Title 2, California Administrative Code, Section 1896, et. seq. A copy of the regulations is available on request. To claim the Small Business Preference, which may not exceed \$50,000 for any bid, your firm or your designated subcontractor must have its principal place of business located in California and be verified by the State Office of Small Business and DVBE Services. Questions regarding the preference approval should be directed to that office at (800) 559-5529 or (916) 375-4940.

Please complete this form and return with your Bid.

Are you claiming preference as a small business?

() YES () NO

Are you subcontracting not less than 25% of the total contract to a small business?

() YES () NO

Primary contractor or sub-contractor Small Business Number _____

Name of CONTRACTOR/Organization

Street Address, City, State, Zip Code

Today's Date